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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

League of Women Voters of Arizona,

Plaintiff,

vs.

Lions of Liberty LLC; Yavapai County
Preparedness Team; Jim Arroyo, Lucas
Cilano; Nicholas Cilano; Brian Mounsey;
Toby Fox; Bruce Mounsey; James Johnson;
Melody Jennings; Clean Elections USA;
John Does 1-10,

Defendants.

No. CV22-08196-SMB

**MOTION TO TRANSFER CASE TO
THE HONORABLE MICHAEL T.
LIBURDI**

Pursuant to Local Rule 42.1(a), Plaintiff League of Women Voters of Arizona (“League”) moves to transfer this case to the Honorable Michael T. Liburdi. The following Memorandum of Points and Authorities supports this motion.

MEMORANDUM OF POINTS AND AUTHORITIES**I. BACKGROUND**

On October 24, 2022, the Arizona Alliance for Retired Americans and Voto Latino filed a complaint and request for a temporary restraining order against Clean Elections USA and Melody Jennings, asserting claims based on their actions of voter intimidation in Arizona. That case was assigned to District Judge Michael T. Liburdi with the case number CV-22-01823-MTL. Judge Liburdi held a hearing yesterday, on October 26, 2022, to consider the plaintiffs' motion for a temporary restraining order and address the issues of voter intimidation presented in the case.

On October 25, 2022, the League filed this case and initially identified it as related to the case before Judge Liburdi. This complaint alleges similar voter intimidation claims against two of the same Defendants in the case before Judge Liburdi, while also asserting claims against the Lions of Liberty LLC, Yavapai County Preparedness Team, and its associated officers. The two complaints stem from overlapping facts and rely on similar evidence, including multiple voter intimidation complaints lodged by Arizonans and referred to the Department of Justice and the Arizona Attorney General. Both complaints also allege identical causes of action and in both cases, plaintiffs seek similar kinds of relief. The League also intends to file a motion for a temporary restraining order, as is being sought in the other case.

II. ARGUMENT

Local Rule 42.1(a) states that when two or more cases are pending before different judges, the Court should transfer one case to the other judge when the cases (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same questions of law; or (5) for any other reason would entail substantial duplication of labor if heard by different judges. The text of the rule indicates that only one of these grounds is necessary.

Four of the five circumstances warranting transfer of the case to Judge Liburdi apply here. First, the claims against Melody Jennings and Clean Elections USA in both cases arise from substantially similar facts and events alleged by Plaintiffs. (*Compare* Doc. 1 ¶¶ 6, 8, 22, 23, 43-67 *with* Doc. 1 ¶¶ 1-5, 27-37, 42-58 in CV-22-01823-MTL.) Second, both cases involve the same parties because they bring claims against Melody Jennings and Clean Elections USA as defendants. (*Compare* Doc. 1 at 1 *with* Doc. 1 at 1 in CV-22-01823-MTL.) Third, the two suits assert the same causes of action, and thus involve the same questions of law, including applicable standards for relief under Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b) and Section 2 of the Ku Klux Klan Act, 42 U.S.C. §1985(3). (*Compare* Doc. 1 ¶¶ 71-91 *with* Doc. 1 ¶¶ 76-86 in CV-22-01823-MTL.) Fourth, it would require substantial duplication of labor for this Court to hear this case parallel to the case before Judge Liburdi and it could result in simultaneous conflicting or overlapping orders by both Courts.

Local Rule 42.1(d) provides that, if a motion to transfer is granted, “the following factors may be considered in determining the Judge to whom the case or cases will be assigned: (1) whether substantive matters have been considered in a case; (2) which Judge has the most familiarity with the issues involved in the cases; (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other factor serving the interest of judicial economy.” It appears that these factors weigh in favor of assigning the case to Judge Liburdi, who, during the TRO hearing on October 26, 2022, indicated that he had carefully considered the substantive matters raised and became familiar with the issues presented by these cases.

III. CONCLUSION

Accordingly, the Court should grant this motion in accordance with the local rules and in the interest of judicial economy.

1 DATED this 27th day of October, 2022.

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